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JUL 13 2015

Magistrate Judge John L. Weinberg

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re search of: Samsung Cellphone
RF1DA6QK00N; HTC Cellphone
37H10442-00M-A

NO. MJ15-00309 DB

**GOVERNMENT'S
MOTION TO UNSEAL SEARCH
WARRANT RELATED MATERIALS**

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Benjamin T. Diggs, Special Assistant United States Attorney for said District, requests entry of an order unsealing the search warrants, application, and affidavit in support (Dkt. No. 1 and attachments, hereafter "search warrant related materials") filed in the above captioned matter. The Court previously directed that the search warrant related materials be sealed at the government's request. The materials were to remain sealed until further order of the Court.

The law provides that search warrant related materials may remain under seal during the pendency of an investigation. *See United States v. Custer Battlefield Museum*, 658 F.3d 1188, 1192-93 and 1196 (9th Cir. 2011). In addition, the government may seek an order continuing to maintain the materials under seal even after the return of an indictment or the closure of an investigation based on compelling reasons. *Id. at 1195*.

1 Those reasons can include the need to (1) protect the identity and safety of witnesses, (2)
2 protect the integrity of other investigations, (3) avoid risk of flight, tampering with
3 witnesses, or destruction of evidence, (4) protect a national security concern, (5) protect a
4 matter occurring before the grand jury, (6) protect victims, or (7) protect the safety of the
5 target of the investigation.

6 Upon review of the files in this matter, and with due consideration of the factors
7 identified above, the government has determined there is not a compelling reason to
8 maintain the materials under seal and respectfully requests entry of the attached order.

9 DATED this 13th day of July, 2015.

10
11 Respectfully submitted,

12 ANNETTE L. HAYES
13 United States Attorney

14
15 /s/ Benjamin T. Diggs

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CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant.

s/Shontrice M. Eaton
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